



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

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Arnold
Schwarzenegger
Governor

February 26, 2010

Mr. Bob Simpson, President
Freshwater Tissue Company
P.O. Box 248
Samoa, CA 95564

Dear Mr. Simpson:

Subject: Notice of Incomplete Report of Waste Discharge for Samoa Pulp Mill and
Request for the Filing of a Notice of Intent for Coverage under General
Permit for Low Threat Discharges

File: Samoa Pulp Mill – Freshwater Tissue Company

Regional Water Board staff has reviewed the US EPA Application Form 1 and Form 2C and the State Form 200 Application/Report of Waste Discharge General Information Form for NPDES Permits and Waste Discharge Requirements that you submitted on January 27, 2010 and other information submitted in support of the application in subsequent communications with you and your consulting engineer. I have determined that the application for the discharge of wastewater associated with pulp production is incomplete because you have not adequately described the treatment system through which Freshwater Tissue Company (FTC) will comply with applicable effluent limitations.

In the report of waste discharge, you indicate that FTC plans to produce both bleached and unbleached kraft pulps over the term of the proposed permit and cited the report titled *Analysis of Alternatives for Reducing Effluent Biochemical Oxygen Demand*, submitted to the Regional Water Board on May 29, 2007, as containing general descriptions of the treatment facilities for achieving long-term compliance with effluent limitations. According to your engineer, permitting and construction of the treatment facilities may take up to two years to complete. However, the applicable effluent limitations for BOD, suspended solids, and pH for bleached kraft pulp must be met beginning on the effective date of the permit. These effluent limits are applicable nationwide for all kraft pulp mills that discharge to waters of the United States. These limits have been included in past permits for this facility and cannot be considered “new” limits. The report of waste discharge must clearly explain how the pulp mill discharge will immediately comply with all effluent limitations that apply during the production of bleached pulp.

If necessary, we could consider a time schedule to meet any new permit limits (e.g., effluent limitations for BOD, suspended solids, and pH during *unbleached pulp*

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production, and limitations for *toxic constituents* in Table B of the Ocean Plan). In order to consider such a request, we require the submittal of an infeasibility request containing the following:

- 1) documentation that diligent efforts will be made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream;
- 2) documentation of source control and/or pollution minimization efforts planned, currently underway, or completed;
- 3) a proposed schedule for additional or future source control measures, pollutant minimization actions, or waste treatment; and
- 4) a demonstration that the proposed schedule is as short as practicable.

The description of the whole mill effluent biological treatment facilities in the *Alternative Analysis* document is of sufficient detail for the purpose of the permit application. However, the analysis is out of date because the engineering design is based on the flows and pollutant loadings from the production of unbleached pulp. Because the report of waste discharge proposes the production of both bleached and unbleached pulps, the analysis for whole mill effluent treatment should be updated to include production loadings from the bleached pulp and any resulting changes in the design of the treatment facilities. Additionally, we had been informed by representatives of Evergreen Pulp, the previous owners of this facility, that this whole mill effluent treatment alternative may not be feasible due to environmental constraints. The report of waste discharge should explain why the whole mill effluent treatment alternative is feasible now.

Finally, based on your description of the discharge of wastewater related to inspection, cleanup, and maintenance activities, the discharge may be eligible for permit coverage under Order No. R1-2009-0045 (*Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region*). To apply, submit a complete Notice of Intent (NOI), including all of the information required by the NOI, as detailed in Attachment A of the General Permit, to the Regional Water Board Executive Officer and the appropriate first annual fee as required by Title 23 of the California Code of Regulations, Division 3, Chapter 9, Article 1. The General Order and the NOI form are available on the Regional Water Board's Internet site at http://water100.waterboards.ca.gov/rb1/adopted_orders.

A thirty-day public notice period is required for this permit. The Regional Water Board Executive Officer may issue an individual monitoring and reporting program to monitor this specific discharge.

If you have any questions regarding this matter, you may contact me at (707) 576-2752.

Sincerely,

Original signed by

Charles Reed
Water Resource Control Engineer

California Environmental Protection Agency

cc. Robyn Stuber, USEPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105
Jack Silver, Northern California River Watch, 500 N. Main Street, Suite 110,
Sebastopol, CA 95472
Michelle D. Smith, Humboldt Baykeeper, 217 E Street, Eureka, CA 95501
Carol Rische, Humboldt Bay Municipal Water District, P.O. Box 95,
Eureka, CA 95502
Vicki Frey, CA Dept of Fish and Game, Marine Region, 619 2nd Street,
Eureka, CA 95501
Bob Marino, DG Fairhaven Power, LLC, 97 Bay Street, Samoa, CA 95564
David D. Cooke, Allen Matkins Leck Gamble Mallory & Natsis LLP,
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Tony Jaegel, CH2M HILL, 2525 Airpark Drive, Redding, CA 96001
Carol Binder, 1265 C Street, Eureka, CA 95501
Patrick Eytchison, Citizens Pulp Mill Committee, P.O. Box 3036,
Eureka, CA 95502
Gregg Gold, Sierra Club, P.O. Box 238, Arcata, CA 95518
Alan Levine, Coast Action Group, P.O. Box 215, Point Arena, CA 95468
Bob Merrill, District Manager, California Coastal Commission, 710 E Street,
Suite 200, Eureka, CA 95501
Kathy Hayes, Clerk of the Humboldt County Board of Supervisors, 825 Fifth Street,
Room 111, Eureka, CA 95501